

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR ESB 242**

**Citations Affected:** IC 9-29-10-2; IC 9-29-10-3; IC 9-30.

**Synopsis:** Driver's license reinstatement fees. Conference committee report for ESB 242. Permits a court to waive a driver's license reinstatement fee if: (1) the person who owes the fee is indigent; (2) the person who owes the fee has proof of future financial responsibility; and (3) waiver of the fee is appropriate in light of the person's character and the nature and circumstances surrounding the suspension of the person's license. **(This conference report: (1) removes provisions requiring all full service license branches to be open on the day before election day and on election day to issue driver's licenses and state identification cards; (2) removes a provision requiring all full service license branches to be open extra hours on the Saturday following an election day to issue driver's licenses and state identification cards; and (3) removes provisions adding seven days for the certification of election results and the filing of recounts or contests.)**

**Effective:** July 1, 2005.

## CONFERENCE COMMITTEE REPORT

**MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 242 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 9-29-10-2 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2005]: Sec. 2. (a) A person who is indigent may file a
- 5 petition for waiver of a fee for reinstatement of the person's
- 6 driver's license in a criminal court of record in the person's county
- 7 of residence.
- 8 (b) The clerk of the court shall forward a copy of the petition to
- 9 the prosecuting attorney of the county and to the bureau. The
- 10 prosecuting attorney may appear and be heard on the petition.
- 11 (c) The bureau is not a party in a proceeding under this chapter.
- 12 SECTION 2. IC 9-29-10-3 IS ADDED TO THE INDIANA CODE
- 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2005]: Sec. 3. (a) Upon its own motion, or upon a petition
- 15 filed by a person under section 2 of this chapter, a court may waive
- 16 a fee for reinstatement of a driver's license described in section 1 of
- 17 this chapter if the court finds that:
- 18 (1) the person who owes the fee for reinstatement of the
- 19 driver's license:
- 20 (A) is indigent; and
- 21 (B) has presented proof of future financial responsibility; and

(2) waiver of the fee for reinstatement of the driver's license is appropriate in light of the person's character and the nature and circumstances surrounding the person's license suspension.

(b) If a court waives a fee for reinstatement of a driver's license under this section, the court may impose other reasonable conditions on the person.

(c) If a court waives a fee for reinstatement of a driver's license under this section, the clerk shall forward a copy of the court's order to the bureau.

SECTION 3. IC 9-30-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) If a court grants a person probationary driving privileges under section 12 of this chapter, the person may operate a vehicle only as follows:

(1) To and from the person's place of employment.

(2) For specific purposes in exceptional circumstances.

(3) To and from a court-ordered treatment program.

(b) If the court grants the person probationary driving privileges under section 12(a) of this chapter, that part of the court's order granting probationary driving privileges does not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9.

(c) The court shall notify a person who is granted probationary driving privileges of the following:

(1) That the probationary driving period commences when the bureau issues the probationary license.

(2) That the bureau may not issue a probationary license until the bureau receives a reinstatement fee from the person, **if applicable**, and the person otherwise qualifies for a license.

SECTION 4. IC 9-30-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) This section does not apply if an ignition interlock device order is issued under section 8(d) of this chapter.

(b) If the affidavit under section 8(b) of this chapter states that a person refused to submit to a chemical test, the bureau shall suspend the driving privileges of the person:

(1) for one (1) year; or

(2) until the suspension is ordered terminated under IC 9-30-5.

(c) If the affidavit under section 8(b) of this chapter states that a chemical test resulted in prima facie evidence that a person was intoxicated, the bureau shall suspend the driving privileges of the person:

(1) for one hundred eighty (180) days; or

(2) until the bureau is notified by a court that the charges have been disposed of;

whichever occurs first.

(d) Whenever the bureau is required to suspend a person's driving privileges under this section, the bureau shall immediately do the following:

(1) Mail a notice to the person's last known address that must state that the person's driving privileges will be suspended for a specified period, commencing:

(A) five (5) days after the date of the notice; or  
(B) on the date the court enters an order recommending suspension of the person's driving privileges under section 8(c) of this chapter;  
whichever occurs first.

(2) Notify the person of the right to a judicial review under section 10 of this chapter.

(e) Notwithstanding IC 4-21.5, an action that the bureau is required to take under this article is not subject to any administrative adjudication under IC 4-21.5.

(f) If a person is granted probationary driving privileges under IC 9-30-5 and the bureau has not received the probable cause affidavit described in section 8(b) of this chapter, the bureau shall suspend the person's driving privileges for a period of thirty (30) days. After the thirty (30) day period has elapsed, the bureau shall, upon receiving a reinstatement fee, **if applicable**, from the person who was granted probationary driving privileges, issue the probationary license if the person otherwise qualifies for a license.

(g) If the bureau receives an order granting probationary driving privileges to a person who has a prior conviction for operating while intoxicated, the bureau shall do the following:

(1) Issue the person a probationary license and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for a probationary license.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 5. IC 9-30-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The bureau shall reinstate motor vehicle registration that is suspended under this chapter if the following occur:

(1) Any person presents the bureau or a bureau license branch with adequate proof that all unpaid judgments with respect to the motor vehicle have been paid.

(2) A reinstatement fee under IC 9-29 is paid to the bureau, **if applicable**.

SECTION 6. IC 9-30-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The bureau may:

(1) reinstate a license or permit revoked or suspended under section 1 of this chapter; or

(2) revalidate a title or registration that has been invalidated under section 3 of this chapter;

if the obligation has been satisfied, including the payment of service, collection, and reinstatement fees, **if applicable**.

(Reference is to ESB 242 as reprinted March 25, 2005.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 242**

**S**igned by:

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Senator Long  
Chairperson

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Representative Messer

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Senator Howard

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Representative Mahern

**Senate Conferees**

**House Conferees**